

APPEAL NO. BOA#22-5990
THE LLC
PRELIMINARY AND FINAL
SITE PLAN WITH WAIVERS
AND VARIANCES
MINIMUM FRONT YARD
SETBACK 35 FT REQUIRED
5 FT PROPOSED
MINIMUM REAR YARD
SETBACK 30FT REQUIRED
4FT PROPOSED, ACCESSORY
STRUCTURE SETBACK
(TRASH ENCLOSURE)
2FT PROPOSED 7FT REQUIRED
BLOCK 963 LOTS 1-5 & 18
BLOCK 964 LOTS 6.02, 6.03
& 32-35
BLOCK 966 LOT 1.01
ZONE R-125 RESIDENTIAL
AND HB WITHIN CN-B
OVERLAY
GARDEN STREET AT
MARICIEL AVE.
BERKELEY

RESOLUTION OF THE MEMORIALIZATION OF THE BERKELEY
TOWNSHIP BOARD OF ADJUSTMENT APPROVING A PRELIMINARY AND
FINAL SITE PLAN WITH WAIVERS AND VARIANCES
PURSUANT TO N.J.S.A. 40-55D-70(D)(C) 48-50 FOR BLOCK 963 LOTS 1-5 & 18
BLOCK 964 LOTS 6.02, 6.03 & 32-35, BLOCK 966 LOT 1.01

WHEREAS, an application has been made by The LLC, for the granting of Preliminary and Final Site Plan Approval pursuant to N.J.S.A. 40:55D-48-50 for Block 963 Lots 1-5 & 18 Block 964 Lots 6.02, 6.03, & 32-35, Block 966 Lot 1.01,. so as to permit the applicant to construct 24 age restricted townhouses with, parking, drainage and storm water management facilities.

WHEREAS, the Berkeley Township Zoning Board of Adjustment has considered the application, has held public hearings on 8th day of November 2023, day of November and the 27th day on of January 2021 (Use Variance only) and has taken testimony and received the report of its professional staff, the Zoning Board does hereby make the following findings of fact:

1. The applicant has a proprietary interest in the property.

2. The applicant has requested preliminary and final site plan approval with waivers in accordance with Ordinances of the Township of Berkeley.
3. The applicant was represented by Benjamin Mabie III Esq.
4. The applicants Engineer and Professional Planner Matthew Wilder, testified on behalf of the application.
5. The applicant previously received a use variance on January 27th 2021
6. The applicant proposes a means of ingress and egress through Grand Central Parkway
7. The application is being bifurcated; in this phase the applicant is seeking preliminary and final site approval with waivers. The Board previously granted the application for a Use Variance and any necessary bulk variances.
8. There is a need for age restricted rental units in the Township.
9. The Board received a report from its engineer, Ernest Peters, P.E. CME,PP dated March 27, 2023 and from Melanie Adamson P.P. P.E.. CME and considered those reports and their comments at the hearing.
10. The Board heard testimony requesting certain waivers; a)from section 35-53. 3 and 35 -67.1 regarding the requirement for curbing and sidewalks along Mariciel Avenue frontage. The Board granted these waivers.
11. The applicant proposed a means of ingress and egress to Grand Central Parkway this was rejected by the Board.
12. The applicants have satisfactorily answered the questions posed by the engineer and planner in their reports subject to conditions stated herein below being satisfied.
13. The egress and ingress to Grand Centra Parkway shall be emergency access only.
14. There were no objectors.

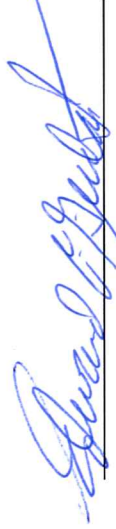
NOW, THEREFORE, be it resolved by the Zoning Board of Adjustment of the Township of Berkeley, County of Ocean, State of New Jersey, that the Board does hereby grant and approve the, Preliminary Site Plan and Approval with the variances and waivers for Block 963 Lots 1-5 & 18 Block 964 Lots 6.02, 6.03, & 32-35, Block 966 Lot 1.01 for the construction of 24 age restricted townhomes subject to the following conditions:

1. Proof of approval and/or waivers from all agencies having jurisdiction including Waterfront Development, Flood Plain Management, CAFRA, Ocean County Soil Conservation, Berkeley Township Sewerage Authority and Berkeley Township Municipal Utility Authority.
2. The matters agreed to by the Applicant as set forth in the Findings of Fact above are hereby made conditions of this approval and shall be binding on the Applicant.
3. Payment of all outstanding professional fees of the Board and Township.

4. A deed restriction shall be recorded by the applicant prohibiting any residents of the premises from being less than 48 years of age. No one less than 19 years of age shall reside on the premises for more than thirty (30) consecutive days in any one year.
 5. The applicant shall open Mariciel Avenue pave same to a width of 30ft with 10ft stone shoulders. This shall be the main means of ingress and egress for the project.
 6. Buildings B and C shall be relocated 25ft further north in order to effectuate the opening of Mariciel Avenue. Any rear yard setbacks necessitated by such relocation are hereby granted.
 7. The easternmost building shall be relocated 10ft to the east. Any variances necessitated by such relocation are hereby granted.
 8. The applicant shall have an additional 14 months extension for the Use Variance previously granted January 27,2021 and extended by a Memorialized Resolution on October 12, 2022.
 9. Once site is improved, the owner will control refuse and debris on site and provide for garbage collection.
 10. The applicant shall be responsible for the publishing of this variance of approval in the Asbury Park Press or other newspaper designated by the Berkeley Township Board of Adjustment or Town Council for the publishing of legal notices.
 11. The applicant shall comply with the 20% Mount Laurel set aside as required by statute and case law. The 20% of Mount Laurel Units are to be interspersed throughout the development and not segregated in one area.
 12. If the units in the project are for sale the applicant shall form an HOA to be responsible for all maintenance issues if the units are for rent then the owner shall be responsible for all maintenance issues including garbage collection and snow removal.
- The foregoing Resolution was duly passed and adopted by the Berkeley Township Zoning Board of Adjustment on the 13th day of December, 2023, by the following vote:

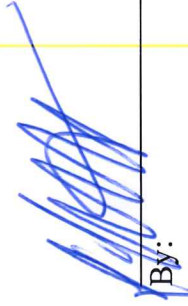
YES: 6
NO: _____
ABSTAIN: 1
DISQUALIFIED: _____
ABSENT: _____

ATTEST:



Secretary

BERKELEY TOWNSHIP ZONING
BOARD OF ADJUSTMENT



By: _____
Chairman